

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

Charles-Rodger: Berry, Sovereign
Free White Citizen,

Plaintiff,

vs.

Civ. No. 03-1285 JP/DJS

STATE OF NEW MEXICO GOVERNOR
BILL RICHARDSON, Individually and Officially,
et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

On January 30, 2004, Bernalillo County, the Bernalillo County Board of Commissioners, the Bernalillo County Sheriff's Department, Bernalillo County Sheriff Darren White, and the Bernalillo County Manager¹ filed Bernalillo County Defendants' Motion to Quash Service of Process (Doc. No. 27). The *pro se* Plaintiff has not responded to this motion to quash service of process. Having reviewed the motion to quash service of process, the Court finds that it should be granted.

On November 7, 2003, the Plaintiff filed a Complaint against various state and local officials in their individual and official capacities. The Plaintiff, however, did not name any Bernalillo County entity or official in his Complaint nor did the Plaintiff serve a copy of the Complaint and summons on any Bernalillo County entity or official. Apparently, on December 31, 2003, the Bernalillo County Sheriff's Department received by mail an "Amended Complaint"

¹The Court does not name these Bernalillo County entities and officials as defendants because they have not been named as defendants in the Complaint filed in this case nor have they been named as defendants in any subsequent amended complaint filed with this Court.

sent by the Plaintiff. On January 8, 2004, the Plaintiff filed two Certificates of Service (Doc. Nos. 15 and 16) which indicate that the Plaintiff mailed a complaint, presumably the "Amended Complaint," to the Bernalillo County Sheriff's Office and various other state and local officials. Neither the docket sheet nor the case file shows that the Plaintiff has ever filed an "Amended Complaint" in this case. Since Bernalillo County entities and officials are not named defendants in this lawsuit, the Plaintiff cannot attempt to serve process on them. Plaintiff's attempted service of process on the Bernalillo County entities and officials is, therefore, quashed.

IT IS ORDERED that:

1. Bernalillo County Defendants' Motion to Quash Service of Process (Doc. No. 27) is granted; and
2. Plaintiff's attempt to serve process on Bernalillo County, the Bernalillo County Board of Commissioners, the Bernalillo County Sheriff's Department, Bernalillo County Sheriff Darren White, and the Bernalillo County Manager is quashed.



SENIOR UNITED STATES DISTRICT JUDGE